

# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 11001-11050.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 19, 1923.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**11001. Misbranding of Lungardia. U. S. v. 2 Packages, 3½ Dozen [23½ Dozen] Bottles of Lungardia. Default decree ordering destruction of the product. (F. & D. No. 12095. I. S. No. 17457-r. S. No. E-1979.)**

On or about March 30, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 packages, 3½ dozen bottles [23½ dozen bottles] of Lungardia, remaining unsold in the original unbroken packages at Grafton, W. Va., alleging that the article had been shipped by the Lungardia Co., Inc., Dallas, Tex., on or about October 15, 1919, and transported from the State of Texas into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Guard Your Lungs With Lungardia \* \* \* Against Influenza, Consumption, Pneumonia \* \* \* A Most Wonderful Remedy A Real Guardian For The Lungs. \* \* \* A Real Guardian \* \* \* Against \* \* \* Pneumonia and Consumption. \* \* \* Compounded To Combat Influenza \* \* \* In All Its Stages With Marvelous Success—Even After The Disease Has Reached \* \* \* Acute Pneumonia, Reducing The Temperature Quickly And Opening The Lungs And Respiratory Organs As A 'Key Unlocks A Door'. \* \* \* The Most Wonderful Remedy for Sore Throat, Croup And Diphtheria. \* \* \*;" (bottle) "Guard Your Lungs With Lungardia \* \* \* Against Influenza \* \* \* Pneumonia \* \* \* A Most Wonderful Remedy A Real Guardian For The Lungs \* \* \* the most wonderful remedy for Sore Throat, Croup and Diphtheria. \* \* \*;" (circular) "Lungardia \* \* \* will do more for the prevention and relief of Influenza, Pneumonia, Deep-seated Coughs \* \* \* than any other \* \* \* remedy. \* \* \* Pneumonia, due to the presence of Influenza bacillus. The function of Lungardia is to destroy this germ, open up the respiratory organs, remove the thick mass of sputum, soothe and heal the irritation, \* \* \* and remove the danger \* \* \* that \* \* \* Consumption may not become active. \* \* \* Knowing that thousands were dying daily from the Influenza and suffering from resultant conditions, \* \* \* the Lungardia Company labored faithfully to put Lungardia on the market \* \* \* to combat the disease, as well as the conditions preceding and following it. \* \* \* wonderful results obtained from its use, \* \* \* wonderful merits of Lungardia in deep-seated coughs \* \* \* a few doses quickly opens up the respiratory organs and loosens the most deep-seated cough. \* \* \* attacks the disease with power \* \* \* In \* \* \* Consumption, two or more doses may be taken daily, \* \* \* If you have an annoying cough, \* \* \* if you are recovering from Influenza, \* \* \* if you have a racking [hacking] tight cough and sore lungs, \* \* \* if suffering with acute Pneumonia, use Lungardia. You will find it to be all that it is

represented \* \* \*;" (testimonials in circular) " \* \* \* if one takes Lungardia soon enough, he or she simply will not contract the Influenza or Pneumonia. If they take it after the disease has asserted itself, it will begin from the first dose to arrest it. If \* \* \* they have the persistent cough and sore lungs, that so often remain as an annoying condition, it will quickly dispel it; relief being noted in a very short time. \* \* \* I have not known of Lungardia Failing In A Single Case. The Influenza or Pneumonia has no terror for me if I can get this remedy. \* \* \* if this remedy was used in every home the dread of Influenza and Pneumonia \* \* \* would be \* \* \* eliminated \* \* \* Influenza \* \* \* a racking cough \* \* \* a high fever \* \* \* and lungs apparently closing fast. \* \* \* Lungardia was administered. \* \* \* within two hours fever was reduced to normal \* \* \* patient easy and convalescent. \* \* \* I have \* \* \* suffered with \* \* \* persistent \* \* \* deep-seated, painful cough, \* \* \* for three weeks. \* \* \* Lungardia \* \* \* quickly reached the seat of the trouble, invading the cells of the lungs, loosening the phlegm from the throat, and as marvelous as it may seem, in thirty-six hours dispelling the cough."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of kerosene oil, turpentine oil, cassia oil, clove oil, extract from a laxative plant drug, sugar, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling thereof, regarding the curative and therapeutic effect of the said article, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effect claimed.

On November 9, 1921, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its destruction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11002. Adulteration and misbranding of salt herring. U. S. v. 126 Kegs and 91 Kegs of Salt Herring. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15364, 15365. I. S. Nos. 3512-t, 3513-t. S. Nos. C-3203, C-3204.)

On September 9, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 217 kegs of salt herring, remaining in the original unbroken packages at Duluth, Minn., alleging that the article had been shipped in part by Jones Bros., Cornucopia, Wis., August 24, 1921, and in part by I. R. Chape, Fort Wing, Wis., August 23, 1921, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy and decomposed animal substance.

Misbranding was alleged for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 13, 1921, it having appeared that the product was in such a decomposed condition that it was a menace to public health, on motion of the United States attorney, it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11003. Misbranding of mineral heave compound. U. S. v. 1 Dozen Cans and 15 Cans of Mineral Heave Compound. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15368, 15381. S. Nos. E-3579, E-3582.)

On or about September 9 and 13, 1921, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2½ dozen cans of mineral heave compound, consigned by the Mineral Heave Remedy Co., Pittsburgh, Pa., remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped in part on or about June 6 and in part on or about July 6, 1921, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.